

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/986,439

Q67158

AMENDMENTS TO THE DRAWINGS

Please replace Figure 2 with the attached, amended Figure 2.

Attachment: Annotated Sheet
Replacement Sheet

REMARKS

General Remarks

With this Amendment, Applicant cancels Claims 1-12 and adds new Claims 13 and 14. No new matter is added. Therefore, Claims 13-14 are all the claims currently pending in the present application.

Claim Rejections

Claims 11 and 12 stand rejected under 35 U.S.C. § 112, second paragraph due to informalities. Claims 1-3 and 7-9 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Chang et al., U.S. Patent Application Publication No. 2003/0207695 (“Chang”).

Applicant respectfully submits that these rejections are moot in view of the cancellation of Claims 1-12.

Specification

With this Amendment, Applicant amends the specification, as shown to correct minor typographical errors. No new matter is added. The amended numbers were correctly shown in original Figure 3.

Figures

With this Amendment, Applicant amends Figure 2, as shown to correct minor errors. No new matter is added. The amended comparison between Y and Z is indicated at least in the paragraph beginning on page 9, line 18 of the originally-filed specification.

New Claims 13-14

With this Amendment, Applicant adds new Claims 13 and 14 in order more fully to cover various aspects of Applicant's invention as disclosed in the specification. The subject matter of these claims is supported in Figures 1 and 2 and in the original specification at least at page 5, line 4 through page 10, line 15. Therefore, no new matter is added.

Regarding the Chang reference, cited against previously-pending Claims 1-12, Applicant submits that new Claims 13 and 14 are patentable over Chang.

According to Chang (*see e.g.* Fig. 3), a frame error indicator is received and a power control target is adjusted based on the frame error indicator. An average signal to interference plus noise ratio (SINR) is then compared to the control target. If the SINR is below the control target, transmission power is increased, and if the SINR is not below the control target, the transmission power is decreased. After a predetermined number of SINR reporting period have passed, a new frame error indicator is received and the control target is re-adjusted.

Regarding Claim 13, Chang fails to teach or suggest at least comparing a block error rate (measured by performing a cyclic redundancy check a specified number of times) to a first expected block error rate, increasing power by a first amount if the measured block error rate is greater than the first expected block error rate, and, if the measured block error rate is not greater than the first expected block error rate, comparing a total block error rate (measured since the opening of communication channels) to a second expected block error rate, where the second expected block error rate is less than the first block error rate, as claimed.

Regarding Claim 14, Chang fails to teach or suggest at least: a storage, in which a first expected block error rate and a second expected block error rate, where the second expected

block error rate is less than the first expected block error rate; a transmission power control generator which generates a signal instructing the base station to increase power by a first amount if a measured BLER is greater than the first expected BLER and which generates a signal instructing the base station to decrease power by a second amount if a total BLER is less than or equal to the second expected BLER; or an error count section which determines if a measured BLER is zero if the measured BLER is less than or equal to the first expected BLER and which resets a cyclic redundancy check to zero if the measured BLER is not zero.

Therefore, in view of at least the above, Applicant submits that new Claims 13 and 14 are patentable over Chang.

Applicant respectfully request allowance of new Claims 13 and 14.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: February 2, 2005

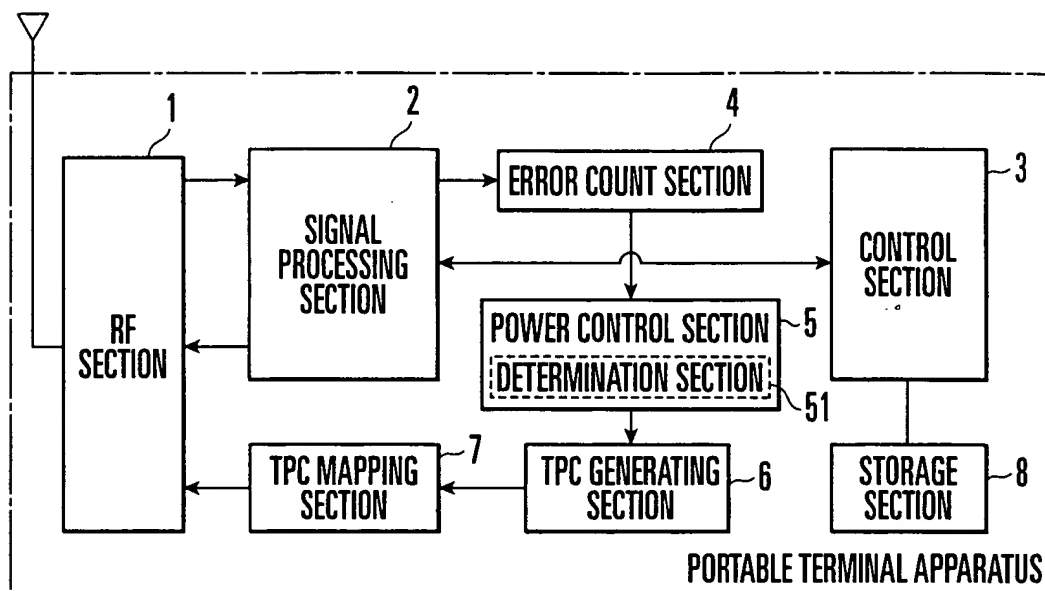


FIG. 1

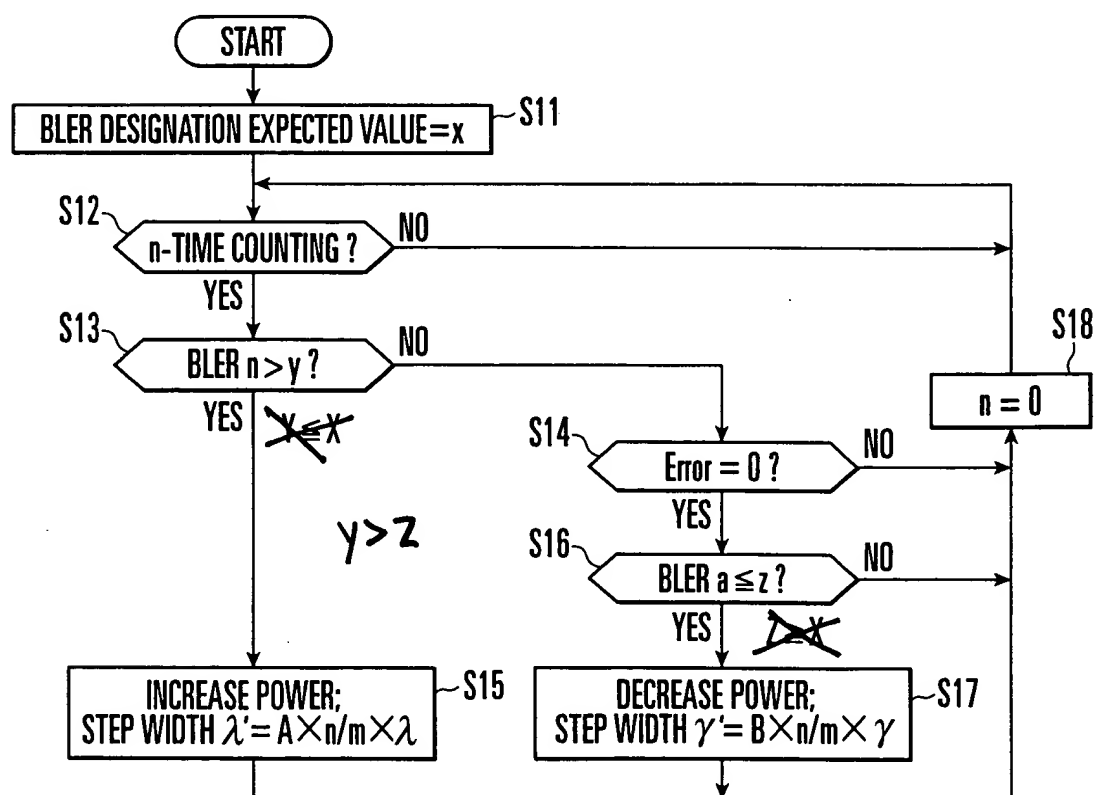


FIG. 2